

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

JAMOHN A. NEAL,

Plaintiff,

v.

Civil Action No: 1:16-11365

FCI MCDOWELL, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Judgment Order entered on August 16, 2017, this case was dismissed and removed from the court's active docket. On August 28, 2017, plaintiff filed a document indicating that he "would like to move forward with this case under the act of 18 U.S.C. § 4126(c)(4) Accident Compensation Act [IACA]" (ECF No. 37). Given the procedural posture of this case, the court has considered construing this filing as a Notice of Appeal.

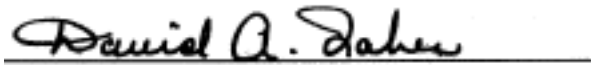
Therefore, within 30 days of entry of this Memorandum Opinion and Order, plaintiff is directed to inform the court whether he, in fact, wishes to appeal to the United States Court of Appeals for the Fourth Circuit and whether he wished for that document (ECF No. 37) to be construed as a Notice of Appeal. In the event plaintiff does not do so, the court will take no action on plaintiff's filing because, as the court has already informed plaintiff, this court is not the proper forum to proceed with a

claim under the Inmate Accident Compensation Act in the first instance.

The Clerk is directed to send copies of this Memorandum Opinion and Order to counsel of record and to plaintiff, pro se.

IT IS SO ORDERED this 7th day of September, 2017.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge